

REQUEST FOR RECONSIDERATION

Claims 1, 2, 5-8 and 10-15 remain active in this application.

The claimed invention is directed to a softening detergent composition, a washing method and a method for preparing a softening detergent composition.

Detergent compositions having a softening effect have been developed in order to address fiber stiffness often associated with washing. Inadequate softening effects have been obtained by addition of conventional clay material such as smectite. Formulations containing clay materials have been reported but have yet to provide entirely satisfactory result. Thus, softening detergent formulations are sought.

The claimed invention addresses this problem by providing a softening detergent composition comprising (a) 1-30 wt.% of a clay mineral **of montmorillonite**, (b) 0.5-20 wt. % of a sodium carbonate-hydrogen peroxide adduct, (c) 0.1-20 wt.% of an aromatic ester sulfate alt or aromatic ester carboxylate salt, (d) 0.4-20 wt. % of **a fatty acid salt**, a component corresponding to a surfactant other than component (d) which comprise 35-70 % by mass of an alkylbenzenesulfonate and 10-60 wt. % of a surfactant as prescribed in JIS K 3362:1998. Applicants have discovered that the softening effects of **montmorillonite** are enhanced by a bleaching agent. Such a composition is nowhere disclose or suggested in the cited references of record.

The rejection of claims 1, 5-8 and 10-15 under 35 U.S.C. §103(a) over Baeck et al EP 297,673 as affirmed by Jayawant U.S. 3,860,694 in view of Storm et al. GB 1 400 898 is respectfully traversed.

Rejection of Montmorillonite Clay Material by Baeck

Baeck et al. fails to disclose or suggest a clay mineral of montmorillonite in his softening detergent composition.

Baeck et al. describes a detergent softening comprising a fabric softening clay (see abstract). Baeck et al. recognizes the previous use of sodium montmorillonite clays in fabric-softening compositions but noted that such clay provided insufficient deposition onto fabric such that more than half of the available clay is rinsed away with the laundry liquor during a subsequent rinsing step (page 2, lines 8-13).. Baeck et al. further describe that fabric softening effects resulting from clay deposition to be affected by factors that are not well understood (page 2, lines 13-14). The solution to this problem is provided by a fabric softening composition comprising as a clay component **a smectite-type clay selected based on its layer of charge properties**. Hectorite clays of natural origin are described on page 2 as having a layer charge distribution such that at least 50% is in the range of 0.23-0.31. Hectorite clays are identified as having an unusually great propensity for deposition onto fabrics, relative to conventional smectite-type clays or of synthetic hectorites. Thus, the reference provides a complete rejection of montmorillonite clay materials in his composition as such clay materials have been reported to have insufficient fabric deposition properties.

In contrast, the claimed invention is directed to a softening detergent composition comprising 1-30 mass % of **a clay mineral of montmorillonite**, sodium percarbonate, a bleaching activator of a specified structure and a salt of a fatty acid which have been discovered to enhance the softening effect of monmorillonite. As the cited reference rejects a clay mineral of montmorillonite, the claimed invention is not rendered obvious by this reference.

The official action cites to Storm et al allegedly for the equivalency of montmorillonite and hectorite clays in a laundry detergent composition such that it would have been obvious to substitute the hectorite clay of Baeck et al. with a montmorillonite clay based on the apparent equivalence taught by Storm et al.

Applicants respectfully submit that based on the entire record, such a substitution would not have been obvious based on the specific repudiation of montmorillonite clay by Baeck et al. The examiner must recognize that it is not obvious to practice that which is repudiated by the reference. While the office action references the “substantially identical endeavors” in the asserted equivalency of hectorite and montmorillonite, such reasoning ignores the express disclosure of Baeck et al in that hectorite and montmorillonite are not recognized equivalents. Such a specific repudiation as to the lack of equivalency can not be ignored.

In view of the lack of equivalency of hectorite with montmorillonite, the claimed substitution would not have been obvious and accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

The rejection of claims 1, 5, 6, 7 under 35 U.S.C. §102(b) over Baker et al. U.S. 2002/0128165 as affirmed by Jayawant U.S. 3,860,694 is respectfully traversed.

Baker et al. fails to disclose or suggest the claimed composition comprising 0.4 to 20 % by mass of a salt of a fatty acid.

Paragraph 5 of the outstanding official action reference composition I on pages 11-13 as meeting all of the limitation of claims 1, 5, 6 and 7. There is no disclosure of a salt of a fatty acid. Specifically, TAS is a sulfonate and not a salt of a fatty acid. LAS is a sulfate and not a salt of a fatty acid. MBAS is not a salt of a fatty acid. C₄₅AE₃S is a sulfate and is not a salt of a fatty acid. Carbonate is not a salt of a fatty acid. Sodium citrate is not a salt of a fatty acid. Zeolite A is not a salt of a fatty acid. Sodium silicate is not a salt of a fatty acid. MA/AA or AA builder are not a salt of a fatty acid. Effervescence granule of carbonate/bicarbonate/citric acid is not a salt of a fatty acid. Sodium bicarbonate is not a salt of a fatty acid. NOBS is a sulfonate salt and is not a salt of a fatty acid. Percarbonate is not a salt of a fatty acid. Photobleach is not a salt of a fatty acid. Enzymes are not a salt of a fatty

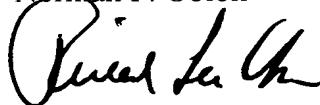
acid. Suds suppresser are not a salt of a fatty acid. Bentonite clay is not a salt of a fatty acid. Dyed carbonate is not a salt of a fatty acid. Brightener is not a salt of a fatty acid.. Perfume is not a salt of a fatty acid. These are all of the components of composition I. The examiner must recognize that the term "acid" of a fatty acid" refers to a carboxylic acid which is not present in composition I as asserted in the official action. Since the rejection is based on a factually erroneous determination as to the presence of a salt of a fatty acid, the claimed invention is not anticipated nor rendered obvious by composition I of Baker et al. Withdrawal of the rejection under 35 U.S.C. §102(b)is respectfully requested.

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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